



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: CDS-25-023

COMMITTEE DATE: 2025-03-18

DUE IN COUNCIL: 2025-03-25

REPORT TO: COTW-Planning

SUBJECT: Unaddressed Parcel Located on the East Side of Elden Street, South of Penner Street, North of Field Road, West of Niagara Stone Road – Official Plan Amendment (OPA-03-2024), Zoning By-law Amendment (ZBA-09-2024), and Draft Plan of Vacant Land Condominium

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Official Plan Amendment (File No. OPA-03-2024) for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road, **BE APPROVED**, and that the draft Official Plan Amendment, attached as **Appendix IV**, be forwarded to Council for adoption;
- 1.2 The Application for Zoning By-law Amendment (File No. ZBA-09-2024) for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road, **BE APPROVED**, and that the draft Zoning By-law Amendment, attached as **Appendix V**, be forwarded to Council for adoption;
- 1.3 The Application for Draft Plan of Vacant Land Condominium (26CD-18-24-03) for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road, attached as **Appendix I** to this report, **BE APPROVED** subject to the conditions contained in **Appendix VI** to this report; and
- 1.4 The Lord Mayor be authorized to **ENDORSE** the Draft Plan of Vacant Land Condominium entitled “Cornerstone Condominium” for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road, as approved, 20 days after notice of Council’s decision has been given, provided that no appeals have been received.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee and Council regarding applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium for the development of eight (8) one-storey townhouse dwellings and a four-storey apartment building containing twenty-four (24) apartment

dwelling units, for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road.

- The Official Plan Amendment Application proposes to redesignate the subject lands from “Service Commercial” and “Low Density Residential” to “Medium Density Residential” with a site-specific exception to permit a maximum residential net density of 80 units per hectare, as well as a four-storey apartment building with twenty-four (24) apartment units.
- The Zoning By-law Amendment Application proposes to rezone the subject lands from “Village Commercial Holding (VC-H-42) Zone” and “Residential Holding (R1-H-42) Zone” to “Residential Multiple (RM1) - Site Specific Zone” and “Residential Multiple (RM2) – Site Specific Zone.” Site-specific provisions are included to regulate the location and height of buildings on the site in alignment with the proposed Draft Plan of Vacant Land Condominium.
- The Draft Plan of Vacant Land Condominium proposes the creation of eight (8) block townhouse dwelling units to be accessed via a private road connecting to Elden Street, in addition to one (1) condominium block for a four-storey apartment building consisting of twenty-four (24) apartment units, with common elements for landscaping, a private road, servicing, and visitor parking.
- Staff recommend approval of the Applications, as detailed in this report, as the proposal is consistent with the Provincial Planning Statement, and conforms with Provincial, Regional and Town planning policies.

3. PURPOSE

This report provides a recommendation to the Committee and Council regarding Applications under the *Planning Act* for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium for the proposed residential development comprised of block townhouses and an apartment building for unaddressed lands located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road.

The Applications would permit the development of twenty-four (24) apartment dwelling units within a four (4) storey residential apartment building fronting onto Elden Street, in addition to eight (8) block townhouses to be accessed via a private road. All of the required parking for the apartment is proposed internal to the building on the ground floor, with nine (9) visitor parking spaces located to the north side of the building. A future application for Site Plan Approval is required to facilitate the proposed development.

The Official Plan Amendment proposes to redesignate the subject lands from “Service Commercial” and “Low Density Residential” to “Medium Density Residential,” with a site-specific exception to recognize an increased residential net density of 80 units per hectare and an apartment building being four (4) storeys in height to accommodate the proposed development, and to permit parking at the north side of the apartment building in addition to allowing an apartment building on a local street.

The Zoning By-law Amendment proposes to rezone the subject lands from “Village Commercial Holding (VC-H-42) Zone” and “Residential Holding (R1-H-42) Zone” to “Residential Multiple 1 (RM1) Zone” and “Residential Multiple (RM2) Zone” with site-specific provisions for lot frontage, lot area, lot coverage, front yard setbacks to the property line and a

private road, interior side yard setbacks, rear yard setbacks, setbacks from the rear of a dwelling unit, setbacks to a private street, driveway or parking area, visitor parking, distance between buildings on the same lot, total width of garage doors, building height, and encroachments into the side yard and front yard. The Holding (H) symbol was included to ensure that the development of any new buildings, building additions, or new structures would not be permitted until such time as there is an amendment to the Zoning By-law.

The Draft Plan of Vacant Land Condominium, attached as **Appendix I** to this report, proposes to facilitate eight (8) block townhouse dwelling units which will be accessed via a private road which connects to Elden Street, and one (1) block for the proposed apartment building.

The lands were previously subject to a severance application to separate this property from the lands occupied by the Cornerstone Church building. The severance was approved by the Town's Committee of Adjustment in May 2023.

The Applications were deemed complete by Town Staff on July 4, 2024.

4. BACKGROUND

4.1 Site Description and Surrounding Lands

The subject lands do not have a municipal address and are located south of Penner Street, north of Field Road, west of Niagara Stone Road, fronting onto the east side of Elden Street, in the Urban Area of Virgil. The location of the subject lands is shown on **Map 1 of Appendix II**.

The subject lands have an area of 0.47 hectares, with a total of 59 metres of frontage on Elden Street and a maximum lot depth of 92.3 metres. The subject lands currently contain a surface parking lot, one (1) single detached residential dwelling, and one (1) accessory building (detached garage).

The surrounding lands include residential, institutional, and commercial uses.

4.2 Proposal Revisions

Since the Applications were initially submitted, in response to comments from Town departments, external agencies, and the public, the applicant has made several changes to the proposal related to height, massing, rooftop amenities, number of townhouse dwellings, front yard setbacks, parking, encroachments for patios and balconies, and distance between buildings.

The initial proposal included fourteen (14) two-storey townhouse dwellings on the northern portion of the site. The number of townhouse dwellings proposed has been reduced to eight (8), and the applicant has proposed to limit the townhouse dwellings to be one-storey at a maximum height of 8.5 metres as opposed to 10.0 metres (standard "Residential Multiple (RM1) Zone" provision). The front yard setback for the townhouse dwellings from Elden Street has been increased from 2.0 metres to 4.5 metres, and the distance between the townhouse dwelling blocks has been increased from 2.4 metres to 3.6 metres. The setbacks from the rear of the townhouse dwellings have been reduced from 5.0 metres to 3.5 metres, with no

encroachment provisions proposed for the terraces, whereas the initial proposal included encroachments of 2.0 metres for terraces into the interior side yard.

With respect to the proposed apartment building, the indoor and outdoor rooftop amenity areas have been removed, which has reduced the building from five storeys to four storeys, decreasing the height from 15.85 metres to 13.0 metres. To minimize potential privacy and overlook concerns, the revised concept also reduces the number of windows in the building, and the balconies are recessed into the building. A ground level children's amenity area has been incorporated for the apartment building, whereas the initial proposal sought the removal of the requirement for a children's amenity area. The number of visitor parking spaces has been reduced from 12 to 9 spaces to accommodate the inclusion of two (2) accessible parking spaces nearest to the building's main entrance.

Items specific to landscaping, detailed engineering, amenity areas, and building design are to be addressed and implemented during the future Site Plan Application stage.

5. DISCUSSION / ANALYSIS

The Applications have been evaluated for consistency and conformity with relevant Provincial, Regional, and local planning policies and legislation, as discussed in the following report sections. Applicable planning legislation and policies are provided in **Appendix III**.

5.1.1 Planning Act, R.S.O. 1990, c. P.13

The Applications support the matters of provincial interest, are consistent with policy statements, and conform to provincial plans and upper-tier and lower-tier Official Plans, as demonstrated in the analysis provided in the following sections of this report.

5.1.2 Provincial, Regional, and Town Planning Policies

The subject lands are designated as being within a "Settlement Area" according to the Provincial Planning Statement, 2024 (the "PPS"), and the Niagara Official Plan, 2022 (the "NOP") designates the subject lands as "Delineated Built-up Area."

The subject lands are designated "Low Density Residential" and "Service Commercial" on Schedule C and "Built-up Areas" on Schedule I-2 of the Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended (the "Town OP"), within the Urban Area of Virgil. The Town OP designations on the subject lands are shown on **Map 2 of Appendix II**.

5.1.2.1 Summary of Proposed Official Plan Amendment

The Official Plan Amendment proposes to redesignate the subject lands from "Service Commercial" and "Low Density Residential" to "Medium Density Residential," with a site-specific exception to permit a residential net density of 80 units per hectare across the entirety of the subject lands, as well as a four (4) storey apartment building (limited to a maximum height of 13.0 metres through the Zoning By-law Amendment) containing a maximum of 24 apartment units. While the required parking for the apartment is proposed to be within a parking lot on the ground floor internal to the building, the site-specific exception would also allow for visitor parking spaces on the north side of the building internal to the site abutting the proposed private road, in addition to acknowledging that the subject lands front onto a local

road. The proposed apartment building, as well as the townhouse dwellings, are considered as “Medium Density Residential” uses in the Town OP.

5.1.2.2 Archaeology

Provincial, Regional and Town policies provide direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

The subject lands are not located within an area of archaeological potential under the NOP or the Town OP. As such, an Archaeological Assessment was not required.

5.1.2.3 Intensification and Infill

Provincial and Regional policies direct growth to Settlement Areas to optimize the use of existing infrastructure and public service facilities. Regional policies place a focus on promoting intensification of the Delineated Built-up Area to achieve efficient, compact land use patterns, a mix of diverse land uses, and a range of housing options to support complete communities. The NOP requires that a minimum of 25% of all residential development occurring annually within the Town will be within the Delineated Built-up Area.

Like Provincial and Regional policies, the growth management objectives of the Town OP support accommodating future growth within the urban boundary, directing growth and development to the Town’s urban areas. A minimum of 15% of all residential development is to be directed to Built-up Areas. The Town OP directs that medium density residential development is permitted within the “Low Density Residential” designation, subject to meeting criteria focused on design, compatibility and location.

The Applications support the Town in achieving its minimum intensification target by directing growth to the Built-up Areas and optimizing and making efficient use of existing infrastructure. The proposal will optimize the use of the subject lands as the lands currently contain a surface parking lot and buildings (single-detached dwelling and accessory structure) that are no longer in use. The Applications are in alignment with the direction to develop compact, vibrant, and complete communities as the subject lands are located within walking distance to Niagara Stone Road, which is a prominent commercial corridor in the Town consisting of uses that serve the needs of residents, tourists and the surrounding agricultural community. The area of the proposed development does not contain heritage value or resources as there are no designated or listed heritage properties on or surrounding the lands.

The proposed development conforms with the applicable policies for intensification within the Built-up Area.

5.1.2.4 Housing and Density

Provincial, Regional, and Town planning documents encourage efficient development patterns that provide a variety of housing options, optimize the use of land, resources, and public investment in infrastructure and public service facilities. The policy direction focuses on supporting the development of compact, vibrant, sustainable, and complete communities.

The General Residential Policies in the Town OP direct that density is a function of service capacity and typography. The Town OP directs that medium density residential developments will not exceed a net density of 30 units per hectare unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods, which will be subject to a public review process. The Applications propose the development of a four-storey apartment building containing 24 residential units and eight (8) one-storey block townhouse dwellings, which results in a net density of 80 units per hectare across the entire site.

The proposed development will assist in diversifying the housing stock to address current housing need and affordability. The existing housing stock in Virgil is primarily comprised of single-detached dwellings. The proposed townhouse and apartment dwellings would cater to residents of different age groups, lifestyles, incomes, and household sizes. The Applications also align with the direction for compact, vibrant, and complete communities as the lands are located along a commercial corridor along Niagara Stone Road, providing direct access to local stores and services within convenient walking distance.

Town Staff is of the position that the proposed housing typology and density are appropriate for the lands.

5.1.2.5 Height and Massing

The Town OP requires that the bulk, mass, and scale of new development shall fit the context within which it is located. As noted, the proposed townhouse dwellings are a maximum of 8.5 metres in height, while the four-storey apartment building is proposed at 13.0 metres in height, excluding the height of parapets. The surrounding residential properties to the north and west are permitted to have a maximum building height of 10.0 metres, with the commercial properties to the east and south being permitted a maximum height of 10.5 metres.

The surrounding community includes one and two-storey single detached dwellings, a church, and a retirement/Long Term Care home, in addition to several commercial uses along the Niagara Stone Road corridor. The proposal has been revised to provide for an increased front yard setback for the townhouse dwelling units from Elden Street, and the townhouse dwelling units have been reduced in height from two-storeys to one-storey at a maximum height of 8.5 metres. The reduced height and reduction in the number of townhouse dwellings provides a built-form that is compatible with the single-detached dwellings along Elden Street and Penner Street and will minimize potential shadowing and overlook impacts to abutting residential properties fronting onto Penner Street.

A Planning Justification Report ("PJR"), prepared by A.J Clarke and Associates Ltd., was submitted in support of the proposal. The PJR provides an analysis that reviews the surrounding built form in addition to Town OP policies regarding potential impacts to the surrounding area. The PJR demonstrates that the proposed built form of the townhouse units being a single-storey with a peaked roof and gables is consistent within the neighbourhood and across Virgil, and that the proposed townhouses are consistent with the existing mass and scale of the neighbourhood. Town Staff agree with the findings of the PJR with respect to the

height and general built form design of the townhouse dwelling units and the surrounding community.

The townhouse dwellings provide for a gradual transition in density from the low-rise residential area, comprised of one-storey and two-storey single-detached dwellings to the north and west to the four-storey apartment building at the southern end of the property. The apartment building has been located on the southern portion of the property, to locate the bulk and mass of the building closer to commercial uses to minimize potential shadowing and overlook impacts to surrounding residential amenity areas. The existing zoning permits a maximum height of 10.0 metres in the surrounding residential community, whereas the proposed maximum height of the apartment building is 13.0 metres.

The height of the townhouse dwellings has been reduced to minimize potential overlook impacts and provide a gradual transition in height and density from the surrounding residential neighbourhood to the four-storey apartment building proposed on the southern portion of the lands. The apartment building has been redesigned to reduce the height from 15.85 metres to 13.0 metres, excluding parapets, in addition to the removal of the rooftop amenity areas and the use of inset balconies. These architectural changes reduce the massing of the apartment building and minimize overlook impacts to adjacent properties.

As part of the review of the Applications, Town Staff considered potential shadow impacts on adjacent properties resulting from the proposed apartment building. The table below identifies the seasons and times during which shadows will be cast onto adjacent properties:

Season	Time	Address
Spring (April)	2:00 pm	1570 Niagara Stone Road (Institutional)
	3:00 pm	
	4:00 pm	
	5:00 pm	
	6:00 pm	1570 Niagara Stone Road (Institutional) 1578 Niagara Stone Road (Commercial)
Summer (June)	2:00 pm	1570 Niagara Stone Road (Institutional)
	3:00 pm	
	4:00 pm	
	5:00 pm	
	6:00 pm	
Fall (September)	2:00 pm	1570 Niagara Stone Road (Institutional)
	3:00 pm	1570 Niagara Stone Road (Institutional) 1588 Niagara Stone Road (Commercial)
	4:00 pm	
	5:00 pm	1570 Niagara Stone Road (Institutional) 1588 Niagara Stone Road (Commercial) 1582 Niagara Stone Road (Commercial)
		1578 Niagara Stone Road (Commercial)
	6:00 pm	1570 Niagara Stone Road (Institutional) 1588 Niagara Stone Road (Commercial)

Season	Time	Address
		1578 Niagara Stone Road (Commercial)

While the Town OP contains policies regarding compatibility which reference shadowing, it does not contain specific policies regarding the evaluation of shadow impacts.

The Town currently does not have specific local guidelines to evaluate shadow impacts. Staff has utilized the Shadow Study Terms of Reference (the “TOR”) prepared by Niagara Region to evaluate the shadow impacts of this proposal. Staff note that the Region’s TOR requires the submission of a Shadow Study for buildings that are greater than six (6) storeys in height. Buildings lower than six (6) storeys may require the submission of such Study where a site-specific basis is identified. Regardless, the requirement for a Shadow Study must conform with local Official Plan policies and relevant local guidelines. While the proposed building is four (4) storeys in height, the Regional TOR provides guidance to consider the shadowing resulting from the proposed building on adjacent properties and amenity areas. To minimize the impact of shadow on existing adjacent properties from new development, the TOR advises that adjacent residential amenity areas should receive a minimum of 6 hours of sunlight between 10:00 a.m. and 6:00 p.m. from April 21 to September 21.

Based on the proposed building locations and heights, all of the surrounding residential properties located on Penner Street and Elden Street and associated amenity areas will receive a minimum of 6 hours of sunlight between 10 am and 6 pm, from April 21 to September 21. All of the shadowing impacts from April to September are anticipated to affect, largely, the rear yards of the commercial uses along Niagara Stone Road.

Town Staff are of the position that the shadowing impacts anticipated from the proposed development are acceptable and that the height and massing of the proposal are appropriate.

5.1.2.6 Servicing, Transportation, and Pedestrian Connectivity

The policies of the Official Plan require that all urban development shall be serviced with full municipal services, including sanitary sewers, watermain, and storm sewers. A Functional Servicing Report (“FSR”) has been completed in support of the Applications. The FSR concludes that the existing 150 mm diameter municipal watermain on Elden Street can adequately provide fire flow and domestic water supply to the proposed development, and that the existing receiving 250 mm diameter municipal sanitary sewer on Elden Street and Penner Street have adequate capacity for the proposed development. Town Operations Staff offered no objection to the water and sanitary servicing findings of the FSR.

The FSR indicates that the existing stormwater flows of the site are conveyed to both Elden Street and Field Road, with flows being captured by road catch basins and ultimately directed down Field Road to the Four Mile Creek outlet. The applicant has proposed to direct the stormwater flows to Elden Street. Town Operations Staff has noted that a storm sewer extension of approximately 38 metres will be required to provide the subject lands with the minimum 3.0 metre storm sewer frontage as per Town policy, which is proposed as part of the Applications. Further information will be required at the Site Plan Approval stage related to stormwater management to determine the specific stormwater management controls required.

With respect to pedestrian connectivity, Town Operations Staff will require that the Owner install a new sidewalk being 1.5 metres in width across the subject lands' Elden Street frontage for which the Owner will be responsible for 100% of the associated costs. Additionally, Town Operations Staff will require that the Owner install a new widened sidewalk from the south limit of the subject lands Elden Street frontage extending to the Elden Street and Field Road intersection, also at a 1.5 metre width for which the Owner will be responsible for 50% of the associated costs.

A Transportation Impact Brief was submitted with the Applications to address the potential traffic generated from the proposed development and impacts to the Town and Regional Road network to determine whether roadway infrastructure or traffic control improvements are required. Town Operations Staff and Regional Staff offered no concerns regarding potential traffic generated from the proposed development.

Staff have included Conditions of Draft Plan Approval to require the submission and approval of detailed servicing plans to meet Town standards to ensure the appropriate construction and maintenance of infrastructure, and to ensure that the condominium corporation is responsible for the costs associated with ongoing site servicing internal to the subject lands. Conditions have also been included for the sidewalk installations and responsibility of associated costs noted above.

5.1.2.7 Land Use Compatibility

Provincial planning documents require that major facilities (including manufacturing and commercial uses and industries) and sensitive land uses are to be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants and minimize risk to public health and safety. The subject lands are located north of Niagara Orchard and Vinyard Corp., which provides several loading docks, as well as rooftop HVAC units for the commercial uses along Niagara Stone Road (east of the subject lands) that are considered stationary noise sources.

A Noise Feasibility Study ("NFS") was completed to evaluate potential impacts from the commercial uses noted above and from traffic on Niagara Stone Road, Line 1 Road, and Four Mile Creek Road to the proposed sensitive (residential) land uses and to determine whether mitigation measures are required to address potential impacts. The NFS determined that future traffic levels and noise from stationary noise sources will not exceed the Ministry of the Environment, Conservation and Parks (the "MECP") guidelines for the proposed development. Accordingly, the NFS recommended that noise mitigation measures are not required for the proposed development. Niagara Region has included Conditions of Draft Plan Approval, which require that a Detailed Noise Study is completed at the Site Plan Approval stage to confirm potential noise mitigation measures, as applicable, once final building design and floor plans are available.

The Town OP acknowledges that neighbourhoods are stable but not static and that there is a degree of change that occurs within neighbourhoods over time. Policies within the Town OP provide direction for this change to establish that development is appropriate and compatible

within the Town's existing neighbourhoods. The Town OP recognizes that it is important to have a range and mix of built form within a neighbourhood to provide a range of housing options, subject to appropriateness and compatibility.

In the Town OP, the subject lands are currently designated "Service Commercial" which permits a range of retail commercial uses, and "Low Density Residential" which permits single-detached, semi-detached, and duplex dwellings, as well as medium-density residential uses, subject to a site-specific Zoning By-law Amendment.

The proposed apartment building is considered a medium-density residential use in the Town OP. As per the policies of the "Medium Density Residential" designation, the design and location of medium-density residential development is to achieve several provisions:

- a) The height, bulk, and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.

The townhouse dwellings have been redesigned to be one-storey with a maximum height of 8.5 metres, which reduces the bulk and massing of the buildings and provides a built form that is consistent with the existing surrounding residential area. The townhouse dwellings are proposed at the north end of the property and provide a transition in density from the existing surrounding residential neighbourhood to the proposed apartment building. The proposed apartment building has been redesigned to have a reduction in height, inset balconies, and the removal of the rooftop amenity area. These design changes allow the proposed development to integrate with the surrounding area and no negative impacts are anticipated from a parking, overlook or shadowing perspective, as discussed in Sections 5.1.2.4, 5.1.2.5, 5.1.2.6, 5.1.2.7 and 5.2.

- b) Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.

The draft Zoning By-law Amendment is not seeking relief from the "Residential Multiple (RM1) Zone" or "Residential Multiple (RM2) Zone" standards regarding landscaped open space, which requires that 30% of the subject lands are comprised of landscaped open space. Each of the townhouse dwellings will have rear yards that are 3.5 metres deep by 10 metres wide, with a covered terrace to provide sufficient rear yard amenity space. A preliminary Landscape Plan and Planting Plan has been provided to establish that there are trees planted within the rear yards of the townhouse dwellings. Conditions of Draft Plan Approval have been included to require the installation of a wooden board on board fence to provide a buffer from surrounding land uses. Plantings are also proposed around the perimeter of the property and surrounding the apartment building, and a children's amenity area is required at the ground level for the apartment building, with design details to be determined at the Site Plan Approval stage.

- c) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and

properly related to buildings and landscaped areas.

The proposal provides 16 parking spaces for the townhouse dwellings (one garage space and one driveway space), in addition to twenty-four (24) parking spaces for the apartment building and nine (9) visitor parking spaces, for a total of forty-nine (49) parking spaces. This exceeds the minimum number of required parking spaces in the applicable zoning by-law by nine (9) spaces. There are a limited number of outdoor parking spaces that will be visible from Elden Street at the side of the apartment building, given that the majority of the parking spaces for the apartment will be contained within the building on the ground level. The parking spaces visible from Elden Street are to be visually screened in part by tree and shrub plantings. There are no anticipated impacts to adjacent properties resulting from parking. Parking area and landscape details will be addressed and implemented during the future Site Plan Approval stage.

- d) Service areas shall be required on the site of each development (e.g., garbage storage, recycling containers).

The plans submitted with the Applications did not indicate the intention for waste collection. Waste collection will be addressed as part of the Site Plan Approval stage, in consultation with Niagara Region. The building design drawings submitted with the Applications identify refuse storage at the rear north side of the apartment building.

- e) The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.

The design of the private road, driveways, parking areas, pedestrian walkways, children's amenity area and open space landscaped areas are required to meet the provisions of the Town's Zoning By-law. Amenity space will be provided on-site through rear yards for the townhouse dwellings, terraces, children's play area and balconies. All vehicular, pedestrian and amenity areas will be provided in alignment with Town requirements.

- f) Adequate municipal services can be provided to accommodate the needs of the development.

Adequate municipal services will be provided to accommodate the needs of this proposal, as discussed in Section 5.1.2.6 of this report. Detailed servicing design will be submitted and implemented through the future Site Plan Approval process as required through the Conditions of Draft Plan Approval.

- g) Traffic to and from the location will not be directed towards local streets, and the site should be within easy, convenient access of a collector or arterial roadway.

The entrance to the proposed development is on Elden Street, which is a local road. However, the site is located less than 200 metres from Niagara Stone Road which is an arterial road, and is within 100 metres from Penner Street / Line 1 Road, which is a collector road, according to Schedule G of the Town OP. Traffic to and from the development will have easy, convenient

access to collector and arterial roadways. Town Operations and Regional Staff offered no concerns regarding potential traffic generated from the proposed development, as discussed in Section 5.1.2.6.

- h) Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size, and parking.

The Zoning By-law Amendment seeks to place the subject lands within a “Residential Multiple (RM1) Site Specific Zone” and a “Residential Multiple (RM2) Site Specific Zone,” as discussed throughout this report.

Lastly, with respect to the compatibility policies, intensification and/or redevelopment shall integrate with the established character and heritage of the area, and have regard to:

- a) Street and block patterns
- b) Lot frontages lot area, depth
- c) Building setbacks
- d) Privacy and overview
- e) Lot grading and drainage
- f) Parking
- g) Servicing

The proposal is not seeking to create a new public street or new blocks given that the entire parcel will be a vacant land condominium managed by a Condominium Corporation. The private street proposed for access to the townhouse dwellings meets the Town’s requirements and is approximately 90 metres in length. The townhouse blocks that are internal to the site are approximately 41 metres in length. The length of the internal road and townhouse blocks meet the general design direction in the Town OP respecting block lengths.

The subject lands have a lot frontage along Elden Street of approximately 59 metres, a lot area of 4,960 square metres, and a depth of 92.8 metres. The lands are located in an area that contains a low-density residential neighbourhood immediately to the north and the west, and commercially designated and zoned lands to the south and east along Field Road and Niagara Stone Road. The commercial uses generally have larger frontages, areas, and depths when compared to the low-density residential uses, providing a varied community character given the mix of uses in this area of Virgil. The existing lot frontage, area, and depth of the subject lands is not proposed to change.

The proposal provides a front yard setback onto Elden Street for the apartment building of 6.0 metres, and a front yard setback of 4.5 metres for the townhouse dwellings. The PJR submitted with the Applications provides an analysis of setbacks of existing residential uses in the surrounding neighbourhood situated along Penner Street, Elden Street, and Field Road. The analysis demonstrates that the average residential setbacks to Elden Street range from 5.5 metres to 10 metres in the surrounding area, which include exterior side yards and front yards. Staff are of the position that the front yard setback of 4.5 metres for the townhouse

dwelling is appropriate, given that this setback will function like an exterior side yard as the end wall of the dwelling will be facing Elden Street, with the townhouse facing internally to the site. Town Staff will encourage an enhanced building façade for the end wall of the townhouse dwelling nearest to the Elden Street frontage during the Site Plan Approval stage. There are several tree and shrub plantings proposed along the end wall of the unit nearest Elden Street to assist in visually screening the townhouse dwellings and beautifying the streetscape.

The proposed front yard setback to the apartment building of 6.0 metres. Town Staff opine that the front yard setback for the apartment building is acceptable as it allows the apartment building to have greater street presence and helps to define the streetscape and support an active pedestrian environment by providing connectivity of the main entrance to sidewalks, which all contribute to an urban streetscape character. A variety of front yard setbacks helps to achieve a diverse streetscape. The 6.0 metre front yard setback provides sufficient room for the driveway into the parking area internal to the building and associated landscaping around the garage door on either side of the building to help visually screen the visitor parking at the north side of the building. There are also no shadow impacts anticipated from a reduced front yard setback according to the Shadow Study submitted with the Applications, as discussed in Section 5.1.2.5.

With respect to privacy and overview, the apartment building has been located at the southern end of the property where the properties to the south and east are designated and zoned primarily for commercial uses. Town Staff acknowledge that there is an existing legal non-conforming single detached dwelling south of the subject lands. Given that the rooftop amenity area has been removed from the development proposal and the balconies are recessed into the building, in addition to a board-on-board fence and landscaping proposed for visual screening to the south of the apartment building, Town Staff are of the position that privacy and overview impacts are sufficiently mitigated. The setbacks from the rear yards of the townhouse dwellings are 3.5 metres to the northern property line. Staff are of the position that this setback is appropriate as the height of the townhouse dwellings have been reduced to one-storey (maximum height of 8.5 metres), which minimizes impacts related to privacy and overlook. Further, the Landscape Plan identifies mature tree plantings in the rear yards of each townhouse dwelling, and a Condition of Draft Plan Approval has been included to require a board-on-board wooden fence around the perimeter of the property to assist in mitigating privacy and overlook impacts.

5.1.2.7.1 Residential Infill and Intensification Policies (OPA 78)

Through the approval of Official Plan Amendment No. 78, the Town implemented residential infill and intensification policies for Old Town and Virgil, which are focused on compatibility.

The following development criteria are applicable to the Applications:

- a) The lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located.

A new lot is not being proposed.

- b) The proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street.

As noted, the revisions made to the proposed development include a reduction in height, removal of the rooftop amenity area, and recessed balconies and terraces, which reduce massing and provide an appropriate transition in density and height to adjacent residential properties. The character of this area is not uniform, given the surrounding mix of commercial and residential uses. The height, massing, and scale is considered appropriate for the site as the height of the proposed townhouse dwelling units is lesser than that of the surrounding existing residential development, consisting of one-storey and two-storey single-detached dwellings, and the apartment building provides a transition in built form to the commercial area.

- c) Front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street.

The proposed front and rear yard setbacks are reduced when compared to the existing low density residential uses in the surrounding area. Staff do not anticipate negative impacts to the streetscape and consider the proposed front and rear yard setbacks to be acceptable, as discussed in Sections 5.1.2.4, 5.1.2.5 and 5.1.2.7.

- d) The setback between new building(s) and the interior side lot line shall increase as the lot frontage increases.

The proposal contains reduced setbacks to the interior side lot lines, with a setback of 3.5 metres to the northern lot line and 1.5 metres to the southern lot line. Given that the townhouse dwellings will only be one-storey in height, Staff do not anticipate negative impacts to the residential neighbourhood to the north and west regarding privacy and overlook, or negative impacts to the character of the community. The proposed apartment building is abutting uses to the south which are designated and zoned for commercial use, and there is no shadowing impacts anticipated to surrounding residential uses as discussed in Sections 5.1.2.4, 5.1.2.5, and 5.1.2.7. Town Staff are of the position that privacy and overview impacts are sufficiently mitigated

- e) The new buildings shall have a complimentary relationship with existing buildings while accommodating a diversity of building styles, materials and colors.

The proposed development will help to diversify the buildings along Elden Street and will benefit public realm by integrating new landscaping and a sidewalk along Elden Street, in addition to providing a variety of front yard setbacks to help achieve a diverse streetscape. The apartment building will provide a compact design that provides connectivity to new pedestrian infrastructure along Elden Street. The proposed townhouse dwellings being a single storey with a peaked roof and gables is consistent with the existing mass and scale of the neighbourhood, and the broader Virgil community. The townhouse dwellings provide for a transition in height and density from the existing surrounding low-density neighbourhood to the proposed apartment building. A variety of building styles, materials, and colours will be utilized.

- f) Existing trees and vegetation shall be retained and enhanced through a new street tree planting and additional on-site landscaping.

A Tree Protection Plan and Landscape Concept Plan have been prepared in support of the proposed development that recommends removal of forty-one (41) trees, with the remaining five (5) trees on the subject lands identified for protection. All the boundary trees on neighbouring properties are also proposed to be protected. This is discussed in more detail in Section 5.1.2.8 of this report. The applicant is proposing to plant twenty-six (26) deciduous trees and a number of shrubs and perennials. Given that the Landscape Plan is conceptual at this point in time, further details will be determined and implemented at the Site Plan Approval stage.

- g) The width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways.

The width of the apartment garage to the internal parking area on the ground floor is limited to the extent that it provide two-way traffic. Plantings are proposed on either side of the garage to the apartment building to help visually screen the garage door to the extent possible while ensuring safe sightlines. The Zoning By-law restricts the garages for the townhouse dwellings to be a maximum of 50% of the total width of the front face of the dwelling, and the townhouse dwellings are facing internally to the parcel. As such, land use controls have been built into the Zoning By-law Amendment to establish that the streetscape will not be dominated by garages and driveways. Landscaping details and visual buffering from the apartment garage doors will be addressed at the future Site Plan Approval stage.

- h) New driveways and service connections shall be sited to minimize tree loss.

Substantial excavation will be required to accommodate the proposed apartment building and townhouse dwellings, which will require the removal of trees. Replacement plantings of trees and shrubs are proposed to mitigate the loss of trees on the subject lands.

- i) Impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy, and microclimatic conditions such as shadowing.

The buildings have been redesigned to sufficiently address privacy, overlook and shadowing. These matters are discussed in Sections 5.1.2.4, 5.1.2.5, 5.1.2.7 of this report.

- j) The orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighborhood.

No new lots are being proposed.

- k) Proposals to extend the public street network should be designed to improve neighborhood connectivity, improve local traffic circulation, and enhance conditions for pedestrians and cyclists.

The public street network is not being extended.

- l) Road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services, and fire protection.

Adequate servicing is available to support the proposed development, as discussed in Section 5.1.2.6 of this report.

Town Staff consider the proposed development to be compatible with the surrounding community.

5.1.2.8 Tree Protection and Preservation

A Tree Protection Plan (“TPP”) and Landscape Concept Plan (“LCP”) have been prepared in support of the Applications. The tree preservation analysis was completed on each tree individually considering the impacts from the proposed development and other factors such as tree condition, species, and the existing site conditions.

The results of the TPP indicate that there are forty-one (41) trees that require removal to accommodate the proposed development, with the remaining five (5) trees on the subject lands identified for protection. All the boundary trees on neighbouring properties are also proposed to be protected, totalling thirteen (13) trees. Conditions of Draft Plan Approval have been included to ensure that the Tree Protection Plan is implemented and that the potential injuring of boundary trees is carried out by or under the supervision of a Certified Arborist.

The LCP includes various plantings that will occur on the subject lands, which will replace several trees that are recommended for removal to accommodate the proposed development. The LCP is conceptual and will be refined and implemented through the future Site Plan Approval application. The recommendations of the TPP will be implemented during the future Site Plan stage, and Conditions of Draft Plan Approval are included to this effect.

5.1.2.9 Town of Niagara-on-the-Lake Proposed Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council’s intent. The subject lands are designated “Residential” and “Commercial.” An Official Plan Amendment would be required to permit the proposal under the proposed Official Plan.

5.2 Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended

The subject lands are zoned “Village Commercial Holding (VC-H-42) Zone” and “Residential Holding (R1-H-42) Zone” in the Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended, per a rezoning in 2023, which facilitated the severance of the property. The Holding (H) symbol was included to ensure that the development of any new buildings, building additions or new structures would not be permitted until such time as there is an amendment to the Zoning By-law given that there was not a clear development proposal at that point in time. The existing zoning on the lands is shown on **Map 3 of Appendix II**.

The Zoning By-law Amendment proposes to rezone the subject lands to “Residential Multiple 1 (RM1) Zone” and “Residential Multiple (RM2) Zone” with site-specific provisions to facilitate the development of townhouse dwellings and the proposed apartment building. Relief from the standard RM1 and RM2 provisions is requested to facilitate the proposal, as detailed below. Staff recommend two different zones on the property to regulate the detail and placement of the townhouses separate from the apartment building.

The following chart illustrates the Residential Multiple (RM1) Zone standards, in comparison to the site-specific zoning provisions recommended by Staff respecting the block townhouse dwellings (refer to **Appendix I** for the proposed development layout):

Zone Requirement	RM1 Zone (Block Townhouses)	Site Specific RM1 Zone (Block Townhouses)
Minimum Lot Frontage	30.0 metres	59 metres measured over the entire lot
Minimum Lot Area	285 square metres per unit	4,650 square metres measured over the entire lot
Maximum Lot Coverage	35%	50% measured over the entire lot
Minimum Landscaped Open Space	30%	30% measured over the entire lot
Minimum Front Yard Setback	7.5 metres	<p>4.5 m from the western property line</p> <p>4.5 m from a private lane to the front wall of a dwelling unit</p> <p>6.0 m from a private lane to the front face of a garage</p> <p>An attached garage shall be setback a minimum of 1 metre behind the front wall of a dwelling unit on the ground floor</p> <p>The front wall of a dwelling unit shall be interpreted to be the outside wall of a building, facing the location where access is provided from a private lane, excluding the front face of a garage</p>
Minimum Interior Side Yard Setback	7.5 metres	<p>3.5 m from the rear wall of a dwelling unit to the northern property line</p> <p>The rear wall of a dwelling unit</p>

Zone Requirement	RM1 Zone (Block Townhouses)	Site Specific RM1 Zone (Block Townhouses)
		shall be interpreted to be the outside wall opposite to and farthest from the front wall of a dwelling unit
Minimum Rear Yard Setback	7.5 metres	1.8 m from an end wall of a dwelling unit to the eastern property line
Minimum distance between buildings located on the same lot	3.0 m (9.84 ft) between walls not containing windows to a habitable room, 9.0 m (29.53 ft) between walls where one wall contains a window to a habitable room and 15.0 m between walls where both walls contain a window to a habitable room.	3.5 m from end wall to end wall
Minimum distance between any townhouse dwelling and a private roadway and parking area	6.0 metres	11.0 metres to a parking area
Maximum Building Height	10.0 metres	One (1) storey being a maximum of 8.5 m
Maximum total width of garage doors	Not applicable	50% of the front face of a dwelling unit

Additional site-specific general provisions are requested as follows for the block townhouse dwellings:

Provision	Zone Requirement	Site-Specific RM1 Zone (Block Townhouses)
Permitted Yard Projections and Encroachments	Unenclosed and uncovered porches, decks, balconies, and patios or steps may encroach or project into the front, rear, or side yard, as follows: Front or Rear Yard – 1.5 metres Side Yard – 0.6 metres	An unenclosed and uncovered or covered porch, deck, balcony, or patio shall not project into a required front yard, side yard or rear yard. Unenclosed and uncovered steps may project 1.0 metres into a front yard or side yard.

The RM1 site-specific zone provisions for the townhouse units will allow for a reduced front yard setback, interior side yard setback, rear yard setback, and building height to implement

the development concept. Staff are supportive of these site-specific provisions as the height of the townhouse dwellings has been reduced from two-storeys to one-storey (from 10.0 metres to 8.5 metres), in addition to the requested encroachments for patio, terraces, and decks into the setbacks being removed. The applicant has agreed to construct a 1.8-metre-high privacy wood fence on the northern, eastern, and southern property lines. Fencing will assist in addressing and minimizing privacy and overlook concerns. Further, the Shadow Study submitted with the Applications demonstrates there will be no negative impacts to the rear or side yards of the dwellings located along Elden Street and Penner Street which abut the subject lands to the north.

The reduced front yard setback to Elden Street functions as an exterior side yard and is considered acceptable given that impacts mitigated to the streetscape as there are several tree and shrub plantings to buffer the townhouses from the street, in addition to Town Staff encouraging an enhanced building façade for this end wall. Given that this is a proposed condominium development, additional provisions clarify applicable front yard setbacks to the property line and private lane for the units along the private roadway. Setbacks to the private lane allow space for one parking space in the driveway of each townhouse dwelling, in addition to a parking space within the garage, and establish that the dwellings have a uniform street presence. A provision has been added to establish that the maximum total width of the garage doors will not exceed 50% of the front face of the dwelling unit, to align with urban design guidance in the Town OP. The maximum lot coverage has been increased to 50%. Staff are supportive of the increase in lot coverage given that sufficient landscaping will be provided on site and there is sufficient space for the private road and visitor parking while optimizing the use of the lands and existing infrastructure in alignment with Provincial, Regional, and Town planning policies. The remaining RM1 zone requirements will apply.

The following chart illustrates the Residential Multiple (RM2) Zone standards in comparison to the site-specific zoning provisions recommended by Staff respecting the proposed apartment building:

Zone Requirement	RM2 Zone (Apartment)	Site Specific RM2 Zone (Apartment)
Minimum Lot Frontage	30.0 metres	59 metres measured over the entire lot
Minimum Lot Area	135 square metres per unit	4,650 square metres measured over the entire lot
Maximum Lot Coverage	35%	50% measured over the entire lot
Minimum Landscaped Open Space	30%	30% measured over the entire lot
Minimum Front Yard Setback	7.5 metres	6.0 metres 4.75 m for a roof overhang projecting from the fourth storey occupying no more than 40% of the width of the front face of the apartment building
Minimum Interior Side Yard	6.0 metres	1.5 metres to the southern property

Zone Requirement	RM2 Zone (Apartment)	Site Specific RM2 Zone (Apartment)
Setback		line 5.5 m to a private lane 0.5 m to a parking space 4.2 m for a roof overhang projecting from the fourth <i>storey</i> occupying no more than 30% of the width of the northern face of the apartment building
Minimum Rear Yard Setback	7.5 metres	1.5 metres 0.3 m for a roof overhang projecting from the fourth <i>storey</i> occupying no more than 40% of the width of the rear face of the apartment building
Maximum Building Height	10.5 metres	13.0 metres

Additional site-specific general provisions are requested as follows for the apartment building:

Provision	RM2 Zone (Apartment)	Site Specific RM2 Zone (Apartment)
Visitor Parking	Not applicable	A minimum of nine (9) visitor parking spaces shall be provided
Permitted Yard Projections and Encroachments	Unenclosed and uncovered porches, decks, balconies, and patios or steps may encroach or project into the front, rear, or side yard as follows: Front or Rear Yard – 1.5 metres Side Yard – 0.6 metres	An unenclosed and uncovered or covered porch, deck, terrace, balcony, patio or steps shall not project into a required front yard, side yard or rear yard.

The RM2 site-specific zone provisions allow for a reduced front yard setback, interior side yard setbacks, and rear yard setback. Provisions have also been included to allow for a roof overhang limited in width to project from the fourth storey of the apartment on the front, rear, and northern faces of the building. Staff are supportive of these site-specific provisions given

that the properties located to the south and east of the subject lands are designated and zoned for commercial use, with one (1) legal non-conforming single-detached dwelling at the corner of Elden Street and Field Road, and there is no compatibility impacts anticipated from a shadowing or overlook perspective, as discussed in detail in Section 5.1.2.7 of this report. The townhouse dwellings at the north end of the property provide for a gradual transition in built form from the existing residential neighbourhood to the apartment building at the south end of the site. The apartment building is proposed to be set back 6.0 metres from the front property line, and the redesign of the building has relocated the balconies from the front of the building to mitigate overlook impacts, in addition to balconies being recessed into the building generally to provide for visual screening. There are several tree and shrub plantings planned for this area to provide a visual buffer. Town Staff are of the opinion that the front yard setback for the apartment building is acceptable as it allows the apartment building to have a street presence and helps to define the streetscape and supports an active pedestrian environment by providing connectivity of the main entrance to new sidewalks and a landscaped frontage, which all contribute to an urban character. The additional parking spaces will be available to the residents of the apartment building and townhouse dwellings to help accommodate visitors. The remaining standard RM2 zone requirements will apply.

Staff support the site-specific provisions contained in the draft Zoning By-law Amendment. A draft Zoning By-law Amendment is attached as **Appendix V** to this report.

5.3 Consultation

The Applications were circulated to Town departments and external Agencies. Notice of the Applications were provided as required by the *Planning Act*. Comments received from external Agencies are attached as **Appendix VII** with overall comments summarized below.

5.3.1 Town Comments

Building – No objections.

Finance – No objections.

Fire and Emergency Services – No objections.

Operations – No objections. Conditions of Draft Plan Approval included to ensure that detailed servicing designs are submitted for review and approval, and that sidewalks along Elden Street are constructed by the applicant.

Urban Forestry – No objections. A detailed Landscape Plan signed Tree Protection Declaration Form and tree permits will be required at the Site Plan stage. Conditions of Draft Plan Approval included.

Heritage – No objections.

5.3.2 Agency Comments

Enbridge – No objections. Standard Conditions of Draft Plan Approval provided.

Bell Canada - No objections. Standard Conditions of Draft Plan Approval provided related to easements.

Hydro One – No objections.

Niagara Region – No objections. Conditions of Draft Plan Approval provided related to noise, archaeological warning clauses and waste collection.

Canada Post – No objections. Conditions of Draft Plan Approval provided related to the location of community mailboxes.

Niagara Catholic District Schoolboard – No objections.

District School Board of Niagara – No objections. The District School Board of Niagara is satisfied that future students from the proposed development can be accommodated at the schools serving this area.

5.3.3 Public Comments

An electronic Open House was held on July 31, 2024, which was attended by two (2) members of the public to provide comments and ask questions.

The statutory public meeting was held on September 10, 2024, during which four (4) members of the public stated their opposition to the proposal. In addition to the verbal comments received during the Public Meeting, Staff has received approximately five (5) letters or items of correspondence with all the correspondence in opposition to the proposal. The concerns raised at the Public Meeting and through the written correspondence are summarized and addressed in the table below:

Public Comment	Response
Concerns related to whether an adequate amount of parking is being provided for the residents of the development and visitors.	The applicant is exceeding the minimum parking requirement set out in the Town's Zoning By-law, as discussed in Section 5.2 of this report.
Concerns regarding potential traffic congestion and safety for pedestrians.	Niagara Stone Road, Four Mile Creek Road and Line 1 Road are near the proposed development and are designed to carry higher volumes of traffic. Town Operations Staff and Regional Staff offered no concerns regarding potential traffic generated from the proposed development, as supported by the submitted Traffic Impact Study. There are existing sidewalks in the area available to the proposed development which are to be improved through reconstruction. Further comments related to traffic and pedestrian safety are provided in Section 5.1.2.6.

Public Comment	Response
<p>Impacts related to the height of the proposed apartment building in comparison to the surrounding community. The height of the apartment building will dominate the Village core and will impact privacy. The apartment will be towering over the existing residential homes in the area, negatively impacting the residents who live here.</p>	<p>The height of the proposed apartment building and density for the overall site have been addressed in Sections 5.1.2.5 and 5.1.2.7. The proposed height of the apartment building has been reduced from the initial submission of the Applications.</p>
<p>Stormwater impacts, such as flooding, to adjacent properties and sidewalks in the area.</p>	<p>Stormwater management and the ability to service the development have been addressed in Section 5.1.2.6.</p> <p>Additional information will be required at the time of site plan application and will be reviewed by Town Operations, as well as peer reviewed by the Town's engineer.</p>
<p>The proposed density is too high for Virgil.</p>	<p>The height of the proposed apartment building and density for the overall site have been addressed in Sections 5.1.2.5 and 5.1.2.7.</p>
<p>During the process to sever the lands from the Cornerstone Church property, resident was of the understanding that the proposal was for single-detached homes, but now the proposal is for townhouses and apartments.</p>	<p>At the time of the severance, no details were provided regarding future development on these lands. Town Staff and external agencies have reviewed the Applications submitted against applicable policy requirements and supporting information submitted.</p>
<p>Requested confirmation on the height of the townhouses and locations of balconies for the apartment building.</p>	<p>The height of the proposed townhouse dwellings has been reduced from 10.0 metres to 8.5 metres. The deck or balconies are not permitted to encroach into the side yards to the rear of the townhouse dwellings. The balconies for the apartment building are not permitted to encroach into the side, rear or front yard and have been inset into the building.</p>
<p>Can we have assurances that the 5 evergreen trees at the east end of the northern property boundary will not be cut down? They provide invaluable natural privacy.</p>	<p>The Tree Protection Plan sets out the trees that are required to be removed to accommodate the proposed development and the trees that will be retained, which is discussed in more detail in Section 5.1.2.8. All trees identified on neighbouring properties are proposed to be saved.</p>

Public Comment	Response
Can the Tree Protection Plan be updated to include the trees on adjacent properties? Neighbouring property owners do not want their private trees to get removed by the applicant.	The Tree Protection Plan was updated to voluntarily include the trees identified on surrounding lands. The trees were not initially included in the assessment as those trees did not meet the minimum requirements for identification. All trees on neighbouring properties are proposed to be saved.
Issues regarding the number of trees that will require removal to accommodate the proposed development.	The Tree Protection Plan sets out the trees that are required to be removed to accommodate the proposed development and the trees that will be retained, which is discussed in more detail in Section 5.1.2.8. Several trees will be replaced through the detailed Landscape Plan, which is to be finalized through the Site Plan Approval process.
Issues with setbacks to adjacent properties and the number of variances from the Zoning By-law.	Setbacks and compatibility with the surrounding area have been addressed through Sections 5.1.2.7 and 5.2.

5.4 Future Site Plan Requirements

As noted throughout the report, there are several site plan requirements to be addressed as part of a future Site Plan Approval application, including but not limited to:

- Detailed Landscape Plan and Planting Plan
- Detailed Noise Study
- Streetscape Plan
- Children's amenity area details
- Site Servicing Report, including water and sanitary, and stormwater management specifics
- Final building design
- Matters such as sidewalks, waste management, and all other site works

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

The Committee may approve, refuse, or modify the proposed Official Plan Amendment, Zoning By-law Amendment, and/or Draft Plan of Vacant Land Condominium and associated conditions.

8. FINANCIAL IMPLICATIONS

The applicant is responsible for all costs associated with this development, as well as a portion the new sidewalk works. The Town will collect Development Charges at the time of building permit issuance. The Town will also hold securities as part of a future Condominium Agreement and Site Plan Agreement.

9. ENVIRONMENTAL IMPLICATIONS

There are no protected environmental features on the subject lands.

As noted, the results of the TPP indicate that there are forty-one (41) trees that require removal to accommodate the proposed development, with the remaining five (5) trees on the subject lands identified for protection. All the boundary trees identified on neighbouring properties are proposed to be protected, totalling thirteen (13) trees.

The LCP includes several plantings that will occur on the subject lands, which will replace several trees that are recommended for removal to accommodate the proposed development. The LCP is conceptual and will be refined and implemented through a future Site Plan application. The recommendations of the TPP will be implemented during the future Site Plan Approval stage, and Conditions of Draft Plan Approval are included to this effect.

10. COMMUNICATIONS

Once Council has made decisions on the Applications, notice of the decisions will be given as required under the *Planning Act*. The decisions of Council are subject to a 20-day appeal period. If no appeals are received during the appeal period, the decisions of Council are final.

11. CONCLUSION

Community and Development Services Staff recommend approval of the Official Plan Amendment Application (OPA-03-2024), the Zoning By-law Amendment Application (ZBA-09-2024), and the Draft Plan of Vacant Land Condominium Application (26CD-18-24-03) subject to conditions, as detailed in this report, as the Applications meet *Planning Act* requirements, are consistent with the Provincial Planning Statement, and conform with the Regional Official Plan and Town Official Plan.

12. PREVIOUS REPORTS

- **CDS-24-146** – Public Meeting – 1570 Niagara Stone Road, Information Report – September 10, 2024.

13. APPENDICES

- **Appendix I** – Draft Plan of Condominium
- **Appendix II** – Maps
- **Appendix III** – Planning Legislation and Policies
- **Appendix IV** – Draft Official Plan Amendment

- **Appendix V** – Draft Zoning By-law Amendment
- **Appendix VI** – Conditions of Draft Plan Approval
- **Appendix VII** – Agency Comments
- **Appendix VIII** – Public Comments

Respectfully submitted:

Prepared by:



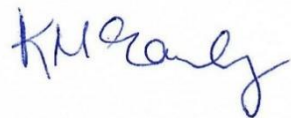
**John Federici, MCIP, RPP
Senior Planner**

Recommended by:



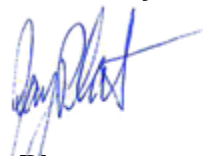
**Aimee Alderman, MCIP, RPP
Manager of Development Planning
Community and Development Services**

Recommended by:



**Kirsten McCauley, MCIP, RPP
Director, Community and Development
Services**

Submitted by:



**Jay Plato
Chief Administrative Officer (Acting)**